

JAN. 16. 2007 4:36PM

5106630920

NO. 429 P. 7

BEST AVAILABLE COPY

PLEASE
ENTER
AT
01/30/07

RECEIVED
CENTRAL FAX CENTER

REMARKS

JAN 16 2007

Claims 1-19 are pending in the present application. Claims 1-11 have been allowed. Claims 12-19 stand provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 12-19 in co-pending U.S. Patent Application No. 10/719,988. This rejections is traversed for the reasons set forth below.

Rejection of Claims 12-19 under 35 U.S.C. § 101

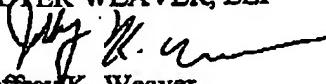
The provisional rejection of claims 12-19 under 35 U.S.C. § 101 is premised on pending claims 12-19 in co-pending Application No. 10/719,988. Because, the Office has indicated that all other issues have been resolved in the prosecution this application, claims 12-19 of co-pending U.S. Application No. 10/719,988 are being cancelled in a concurrently filed amendment in that case. Thus, the provisional rejection of claims 12-19 in the instant application will become moot.

Further, 804 I 2 of MPEP points out that when a provisional double patenting rejection (section 101, statutory double patenting) is the only rejection remaining in an application, "the examiner should withdraw the rejection in that application and permit that application to issue as a patent." Withdrawal of the provisional double patenting rejection is respectfully requested.

Conclusion

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEXER WEAVER, LLP


Jeffrey K. Weaver
Reg. No. 31,314

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100